

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

FIFTY-EIGHTH LEGISLATIVE DAY
TUESDAY, MARCH 7, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Burtenshaw, absent and formally excused by the Chair; and Senators Cameron, Lodge, Malepeai, Marley, McGee, and Stegner, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Brigitte Harper, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senator McGee was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 6, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

President Risch assumed the Chair.

Senators Stegner and Marley were recorded present at this order of business.

SCR 130 BY STATE AFFAIRS COMMITTEE A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THAT THE DEPARTMENT OF ENVIRONMENTAL QUALITY STUDY AND PREPARE A REPORT REGARDING METHODS TO ENCOURAGE REGIONAL WATER AND WASTEWATER SERVICES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, it is in the public interest to promote the effective and efficient provision of water and wastewater services to communities in Idaho; and

WHEREAS, the regionalization of water and wastewater infrastructure will allow for more efficient and cost-effective provision of water and wastewater services; and

WHEREAS, well-designed regional approaches to the provision of public water and wastewater services benefit the environment by helping to reduce the amount of pollutants reaching Idaho rivers and lakes; and

WHEREAS, regionalization of water and wastewater infrastructure helps to create a long-term sustainable and reliable source of clean and safe water for Idaho communities; and

WHEREAS, regionalization encourages local government officials to find innovative, cost-effective solutions to the provision of water and wastewater services and strengthens the partnership between local governments; and

WHEREAS, the Department of Environmental Quality, with its role in the regulation and funding of drinking water and wastewater facilities, is uniquely suited to work with cities, counties and other entities to find methods of encouraging the regional provision of water and wastewater services.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Department of Environmental Quality is requested to study, with the input from cities, counties, water and sewer districts and other relevant entities, methods to encourage and provide incentives for the development and operation of regional water and wastewater services, and to prepare a report and submit its findings to the Legislature by December 31, 2006.

SCR 130 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Lodge was recorded present at this order of business.

March 7, 2006

The JUDICIARY AND RULES Committee reports that S 1429, S 1430, S 1431, S 1432, SCR 128, and SCR 129 have been correctly printed.

DARRINGTON, Chairman

S 1429 was referred to the State Affairs Committee.

S 1430, S 1431, and S 1432 were referred to the Finance Committee.

SCR 128 and SCR 129 were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 6, 2006

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Ruthie Johnson to the Idaho Commission on Human Rights, term to expire July 1, 2008.

BURTENSHAW, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 6, 2006

The STATE AFFAIRS Committee reports out **H 695** and **H 717** with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

BURTENSHAW, Chairman

There being no objection, **H 695** and **H 717** were referred to the Fourteenth Order of Business, General Calendar.

March 6, 2006

The FINANCE Committee reports out **H 746**, **H 747**, and **H 748** with the recommendation that they do pass.

CAMERON, Chairman

H 746, **H 747**, and **H 748** were filed for second reading.

March 7, 2006

The FINANCE Committee reports out **S 1430**, **S 1431**, and **S 1432** with the recommendation that they do pass.

CAMERON, Chairman

S 1430, **S 1431**, and **S 1432** were filed for second reading.

March 6, 2006

The JUDICIARY AND RULES Committee reports out **H 582** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **H 582** was referred to the Fourteenth Order of Business, General Calendar.

March 6, 2006

The JUDICIARY AND RULES Committee reports out **S 1428**, **H 627**, **H 628**, **H 629**, **H 430**, **H 431**, **H 530**, and **H 589**, as amended, with the recommendation that they do pass.

DARRINGTON, Chairman

S 1428, **H 627**, **H 628**, **H 629**, **H 430**, **H 431**, **H 530**, and **H 589**, as amended, were filed for second reading.

March 6, 2006

The HEALTH AND WELFARE Committee reports out **H 615** and **S 1423** with the recommendation that they do pass.

COMPTON, Chairman

H 615 and **S 1423** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 6, 2006

Mr. President:

I transmit herewith **H 684**, **HCR 54**, **H 693**, **H 706**, **H 653**, **H 716**, **H 724**, **H 515**, **H 596**, **H 664**, **H 698**, **H 472**, as amended, **H 630**, as amended, **H 613**, as amended, **H 562**, as amended, **H 634**, as amended, **H 611**, as amended, **H 656**, as amended, **H 565**, as amended, **HCR 56**, **H 646**, **H 652**, **H 655**, and **H 722** which have passed the House.

JUKER, Chief Clerk

H 684, **HCR 54**, **H 693**, **H 706**, **H 653**, **H 716**, **H 724**, **H 515**, **H 596**, **H 664**, **H 698**, **H 472**, as amended, **H 630**, as amended, **H 613**, as amended, **H 562**, as amended, **H 634**, as amended, **H 611**, as amended, **H 656**, as amended, **H 565**, as amended, **HCR 56**, **H 646**, **H 652**, **H 655**, and **H 722** were filed for first reading.

March 6, 2006

Mr. President:

I return herewith Enrolled **S 1315** which has been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1315** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 6, 2006

Mr. President:

I transmit herewith Enrolled **H 477**, **H 488**, **H 436**, **H 453**, **H 462**, **H 464**, **H 414**, **H 454**, **H 556**, **H 577**, **H 446**, **H 448**, **H 447**, **H 415**, **H 476**, **H 575**, and **H 535** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 477**, **H 488**, **H 436**, **H 453**, **H 462**, **H 464**, **H 414**, **H 454**, **H 556**, **H 577**, **H 446**, **H 448**, **H 447**, **H 415**, **H 476**, **H 575**, and **H 535** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Malepeai was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Commerce and Human Resources Committee report relative to the Gubernatorial appointments of Richelle Sugiyama and Susan K. Simmons retained its place on the calendar for one legislative day.

The President announced that **SR 107** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Broadsword, seconded by Senator McGee, **SR 107** was adopted by voice vote, title was approved, and the resolution ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1433

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO RELOCATION ASSISTANCE AND EMINENT DOMAIN; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-722, IDAHO CODE, TO PROVIDE LIMITATION ON COMPENSABLE DAMAGES, RELOCATION ASSISTANCE AND APPLICATION TO ALL CONDEMNERS, EXCEPT FOR APPLICATION OF CHAPTER 20, TITLE 40, IDAHO CODE, TO RELOCATION PAYMENTS AND RELOCATION ADVISORY ASSISTANCE FOR PERSONS DISPLACED BECAUSE OF ANY HIGHWAY PROGRAM OR FOR THE PERFORMANCE OF ANY HIGHWAY PROJECT; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-724, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS ON RELOCATION AID FOR PERSONS DISPLACED BY PUBLIC PROGRAMS AND TO PROVIDE DEFINITIONS OF "CONDEMNER" OR "CONDEMNING AUTHORITY" AND "DISPLACED PERSON"; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-725, IDAHO CODE, TO AUTHORIZE RELOCATION ADVISORY ASSISTANCE; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-726, IDAHO CODE, TO PROVIDE THAT ANY CONDEMNER MAY ESTABLISH A LOCAL RELOCATION ADVISORY ASSISTANCE OFFICE; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-727, IDAHO CODE, TO PROVIDE FOR COMPENSATION OF RELOCATION EXPENSE AND COMPENSATION OPTIONS, TO PROVIDE LIMITS AND TO DEFINE "AVERAGE ANNUAL NET EARNINGS"; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-728, IDAHO CODE, TO PROVIDE PURCHASE ASSISTANCE TO RELOCATING OWNER-OCCUPANT AND LEASE OR DOWN PAYMENT ASSISTANCE TO RELOCATING TENANT;

AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-729, IDAHO CODE, TO PROVIDE FOR HOUSING REPLACEMENT; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-730, IDAHO CODE, TO PROVIDE COMPENSATION FOR MISCELLANEOUS EXPENSES; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-731, IDAHO CODE, TO PROVIDE FOR COMPUTATION OF REPLACEMENT HOUSING PAYMENT DURING CONDEMNATION PROCEEDINGS AND FOR ADJUSTMENT AFTER JUDGMENT; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-732, IDAHO CODE, TO PROVIDE THAT RELOCATION PAYMENTS ARE NOT INCOME; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-733, IDAHO CODE, TO PROVIDE FOR REVIEW OF ELIGIBILITY DETERMINATIONS; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-734, IDAHO CODE, TO PROVIDE THAT EMINENT DOMAIN DAMAGES ARE UNAFFECTED; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-735, IDAHO CODE, TO AUTHORIZE RELOCATION ASSISTANCE AND PAYMENTS TO PERSONS DISPLACED BY A PROJECT OR ACTIVITY WHICH IS SUBJECT TO THE PROVISIONS OF THE FEDERAL UNIFORM RELOCATION ASSISTANCE REAL PROPERTY ACQUISITION POLICIES ACT; AND AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-736, IDAHO CODE, TO PROVIDE FOR AWARDED COSTS AND ATTORNEY'S FEES.

S 1433 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 684, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

HCR 54, by Education Committee, was introduced, read at length, and referred to the Local Government and Taxation Committee.

H 693 and **H 706**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 653, by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 716, by State Affairs Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 724, by State Affairs Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 515 and **H 596**, by Agricultural Affairs Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

H 664, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 698, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 472, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 630, as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 613, as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 562, as amended, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

H 634, as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 611, as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 656, as amended, by Local Government Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 565, as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

HCR 56, by Transportation and Defense Committee, was introduced, read at length, and referred to the Transportation Committee.

H 646, by Business Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 652 and **H 655**, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 722, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 548, **H 549**, **H 550**, **H 551**, and **H 554**, by Business Committee, were read the second time at length and filed for third reading.

H 555 and **H 621**, by State Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senator Cameron was recorded present at this order of business.

S 1332, as amended, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President declared **S 1332** passed, title was approved, and the bill ordered transmitted to the House.

S 1409, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President declared **S 1409**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1401 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President declared **S 1401** passed, title was approved, and the bill ordered transmitted to the House.

The President called President Pro Tempore Geddes to the Chair.

S 1414 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Jorgenson and Langhorst arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1414** passed, title was approved, and the bill ordered transmitted to the House.

S 1415 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1415** passed, title was approved, and the bill ordered transmitted to the House.

H 533, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 533**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

H 601, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Brandt and Jorgenson arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 601**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

The President Pro Tempore called Senator Compton to the Chair.

H 571, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Lodge and McKenzie arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 571** passed, title was approved, and the bill ordered returned to the House.

H 574, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 574** passed, title was approved, and the bill ordered returned to the House.

President Risch returned to the Chair.

H 536 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Darrington, Compton, and Malepeai arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President declared **H 536** passed, title was approved, and the bill ordered returned to the House.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:05 p.m. until the hour of 4:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senators Burtenshaw and Pearce, absent and formally excused by the Chair; and Senators Andreason, Bunderson, Langhorst, Malepeai, Schroeder, Stegner, Stennett, and Williams, absent and excused.

Prior to recess the Senate was at the Thirteenth Order of Business, Third Reading of Bills.

Senators Andreason, Bunderson, Langhorst, Malepeai, Schroeder, Stegner, Stennett, and Williams were recorded present at this order of business.

H 591 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 591** passed, title was approved, and the bill ordered returned to the House.

H 592 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 592** passed, title was approved, and the bill ordered returned to the House.

H 700 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 700** passed, title was approved, and the bill ordered returned to the House.

H 701 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 701** passed, title was approved, and the bill ordered returned to the House.

H 564 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 564** passed, title was approved, and the bill ordered returned to the House.

H 566 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 566** passed, title was approved, and the bill ordered returned to the House.

H 465 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 465** passed, title was approved, and the bill ordered returned to the House.

H 560 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Coiner, Corder, Davis, Gannon, Geddes, Jorgenson, Kelly, Langhorst, Malepeai, Marley, Richardson, Schroeder, Stegner, Stennett, Werk. Total - 17.

NAYS--Brandt, Bunderson, Cameron, Compton, Darrington, Fulcher, Goedde, Hill, Keough, Little, Lodge, McGee, McKenzie, Sweet, Williams. Total - 15.

Absent and excused--Burkett, Burtenshaw, Pearce. Total - 3.

Total - 35.

Whereupon the President declared **H 560** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 561** retained its place on the Third Reading Calendar.

H 578 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 578** passed, title was approved, and the bill ordered returned to the House.

H 452 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 26.

NAYS--Kelly, Langhorst, Malepeai, Marley, Stennett, Werk. Total - 6.

Absent and excused--Burkett, Burtenshaw, Pearce. Total - 3.

Total - 35.

Whereupon the President declared **H 452** passed, title was approved, and the bill ordered returned to the House.

H 585 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 585** passed, title was approved, and the bill ordered returned to the House.

H 586 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 586** passed, title was approved, and the bill ordered returned to the House.

H 471 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 471** passed, title was approved, and the bill ordered returned to the House.

H 461 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 461** passed, title was approved, and the bill ordered returned to the House.

H 444, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Williams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 444**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 473 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Coiner, Compton, Corder, Fulcher, Gannon, Geddes, Goedde, Hill, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Stegner, Werk, Williams. Total - 22.

NAYS--Cameron, Darrington, Davis, Jorgenson, Little, Richardson, Schroeder, Sweet. Total - 8.

Absent and excused--Burkett, Burtenshaw, Kelly, Pearce, Stennett. Total - 5.

Total - 35.

Whereupon the President declared **H 473** passed, title was approved, and the bill ordered returned to the House.

H 459 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 459** passed, title was approved, and the bill ordered returned to the House.

H 458 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 458** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Eighth Order of Business.

Messages from the Governor

March 7, 2006

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Dawn Hatch of Boise, Idaho, to be Acting State Senator for Legislative District 15. This appointment will be effective Wednesday, March 8, 2006, and continue until such time as Senator John C. Andreason is able to resume his duties.

Sincerely,
/s/ Dirk Kempthorne
Governor

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO
CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that pursuant to the provisions of Section 59-917, *Idaho Code*, John C. Andreason, State Senator, District 15, Ada County, State of Idaho, has nominated Dawn Hatch of Boise, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 15, Ada County.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Dawn Hatch to the office of State Senator, District 15, Ada County, State of Idaho, for a term commencing on March 8, 2006, and continuing until such time as Senator Andreason is able to resume his duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this seventh day of March, in the year of our Lord Two thousand and six and of the Independence of the United States of America, the two hundred and thirtieth year.

/s/ BY THE GOVERNOR DIRK KEMPTHORNE
/s/ SECRETARY OF STATE BEN YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 6 p.m. until the hour of 10 a.m., Wednesday, March 8, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary